

**REGULAR MEETING  
ENFORCEMENT AND RESOURCE PROTECTION  
MARCH 18, 2009 – 3:00 P.M.  
TRIBAL OFFICE BOARDROOM**

1. Chairman Kenneth A. Fish called the meeting to order at 3:10 p.m. Roll call was taken with a quorum present. MEMBERS PRESENT: Kenneth A. Fish, Eugene Caldwell (late), Walter Cox, Mark Waukau, Toni Caldwell, Robert Summers, Barb Nelson, Jonathan Pyatskowit, and Mary Wayka. MEMBERS ABSENT: Lynnette Miller. Also present: Nolan Mahkemitas, Heather Pyatskowit, Richard Bugler, Officer Sharon Hanson (Green Bay Police Department), Bill Bongo, Donald Waukechon, Warren Warrington, Diana Taubel, Joanne Gauthier, Ami Nacotee, and Linda Peters, recorder.

2. Moment of Silence. A moment of silence was observed.

3. Election of Officers and Review/Approval of By Laws

**A nomination was made by Walter Cox to appoint Eugene Caldwell to serve as Vice-Chairman of the Enforcement and Resource Protection Committee. (No other nominations were made).**

Eugene Caldwell is the Vice-Chairman of the Committee.

**A nomination was made by Mark Waukau to appoint Mary Wayka to serve as Secretary of the Enforcement and Resource Protection Committee. (No other nominations were made).**

Mary Wayka is the Secretary of the Committee.

**REVIEW/APPROVAL OF BY LAWS**

The Committee reviewed the By Laws.

**Motion made by Mary Wayka to approve the By Laws as presented. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions, and 2 absent (Caldwell and L. Miller).**

4. Approval of Minutes dated February 18, 2008

**Motion made by Walter Cox to approve the minutes from the Enforcement and Resource Protection Committee dated February 18, 2009 with corrections if any. Second was by Barb Nelson. Motion carried: 5 for, 0 opposed, 2 abstentions (Waukau and Wayka) and 2 absent (Caldwell and L. Miller)**

5. Permit for Herbicide Treatment of Eurasian Water Milfoil and Curly-leaf Pondweed on Legend Lake.

Heather Pyatskowit informed the Committee what areas are being treated for these invasive species. The area is dwindling and hopefully, the Tribe will be able to get it to a manageable frame. Aquatic Management Plan has been established with the Legend Lake area and the ultimate goal is to reach 10 percent.

**Motion made by Walter Cox to recommend to the Legislature the approval to Permit for Eurasian Water Milfoil and Curly-leaf Pondweed treatment on Legend Lake. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions, and 2 absent (Caldwell and L. Miller).**

6. Amendment to Ordinance # 81-16-Dogs: Discussion/Recommendations

Richard Bugler-Animal Control Officer informed the committee of the proposed amendments that would make our communities safer. Mr. Bugler stated that his first concern is that dog owners let their dogs run loose (believing that dogs should not be tied up) and when the dog is caught, the owner will take a ticket and the next day, the dog is running loose. Some owners do not have the money to pay for the tickets that are issued.

If an amendment could state that if an owner has been ticketed more than three times, the Tribe can take the dog to an animal shelter. The animal shelters are located off the Reservation.

Within the past 4 months, approximately 400 dogs have been taken off the Reservation. Mr. Fish has requested statistical data to support the proposed amendments for the next meeting packets.

Joanne Gauthier informed the committee of the trauma that she went through when her dog was tied up, and another dog was loose and chewed up her dog, bite her, and tore up her tires.

(Eugene Caldwell entered the meeting at 3:48 p.m.)

The fee schedules will be removed from any proposed ordinances and/or amendments and standard language will be added so that the ordinance does not need to be adjusted every time a fee is increased.

Mr. Fish will work with Departmental Staff and the Legal Department on a amendment to this ordinance (which will incorporate breeders) and bring this amendment back to the Committee for approval

7. Amendment to Ordinance # 02-27-Dangerous Dogs: Discussion/Recommendations

Officer Sharon Hanson introduced herself and gave a brief explanation on how Green Bay controls the dangerous dogs within their jurisdiction.

Mr. Bugler handed out a draft ordinance for committee consideration.

Officer Hanson informed the committee of the dog bite/attack ratio concept that is used nationwide for animal control and each ratio is given a different penalty: Ratio 1) dog barks, Ratio 2) dog barks and nips at you, Ratio 3) dog rips clothes and punctures ½ inch or less, Ratio 4) dog punctures ½ inch or more, and Ratio 5) death.

The penalties range from verbal warning to seizure of the animal.

The Committee will review the proposed amendments at next month's meeting.

**Motion made by Mark Waukau to suspend the agenda and move to item # 9 – Acceptance of Donations for Animal Help and Rescue Policy. Second was by Eugene Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (L. Miller).**

9. Acceptance of Donations for Animal Help and Rescue Policy:  
Discussion/Recommendations

Richard Bugler informed the committees that this policy will be used instead of issuing citations, that donation are given and these donations are used to purchased, collars, leashes and vet bills.

Donations would be placed into a security envelope, both parties count and both parties sign in front of each other and a receipt is issued.

**Motion made by Toni Caldwell to recommend to the Legislature to approve the Acceptance of Donations for Animal Help and Rescue Policy. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 1 abstention (Waukau), and 1 absent (L. Miller).**

(Barb Nelson and Mary Wayka left the meeting at 4:33 p.m.).

**Motion made by Eugene Caldwell to go back to the agenda – Item # 8 – Missing Persons Policy. Second was by Mark Waukau. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (L. Miller).**

8. Missing Persons Policy: Discussion/Recommendations

The committee recommended that an in-house list is developed to go with this policy.

**Motion made by Eugene Caldwell to recommend to the Legislature to approve the Missing Persons Policy as presented. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 2 abstentions (Waukau and Cox), and 3 absent (Miller, Wayka, and Nelson).**

**Motion made by Walter Cox to suspend the agenda and move to item # 13 – License and Permits and resume to the original agenda when completed. Second was by Eugene Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 8 for, 0 opposed, 0 abstentions and 1 absent (L. Miller).**

13. License and Permits: Discussion/Recommendation on increasing the fees.

Diana Taubel presented different increase amount to the license and permits that are issued from her office. Some fees have never been increased or changed since the inception of the original Ordinance.

The Committee also discussed that some of the fees are built into the ordinances and these would have to be changed also. Mrs. Taubel will sit down with the Legal Department and work out an ordinance spread sheet along with the fee increases for each license/permit and present this to the Committee at next month's meeting for Legislature approval.

**Motion made by Eugene Caldwell to table item # 13 – License and Permits until next month's meeting. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 3 absent (L. Miller, Wayka, and Nelson).**

10. Tow Guidelines Policy: Discussion/Recommendations

The Committee reviewed the Tow Guidelines Policy and this policy was reviewed by the Legal Department and they did not have a problem with it. The Committee will recommend approval to the Legislature.

**Motion made by Walter Cox to recommend to the Legislature to approve the Menominee Tribal Police Department Tow Guidelines Policy. Second was by Eugene Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 1 abstention (Waukau), and 3 absent (L. Miller, Wayka, and Nelson).**

11. Hazardous Material Response Guidelines: Discussion/Recommendations

The Committee reviewed the Guidelines and the Legal Department does not see a conflict with this Guideline. The Committee requested statistical data on how much Hazardous Material is actually being transported through the Reservation. This information will be provided as informational when received.

**Motion made by Walter Cox to recommend to the Legislature to approve the Menominee Tribal Police Department Hazardous Material Response Guidelines. Second was by Toni Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 1 abstention (Waukau), and 3 absent (L. Miller, Wayka, and Nelson).**

12. Tribal Police Vehicle Policy: Discussion/Recommendations

The Committee reviewed the Tribal Police Vehicle Policy and questioned how the Tribe will handle other people in the Tribal Vehicles. The Police Department has a certain responsibility to the community and if an elder or someone needs a ride for whatever reason, this is called in and the task is carried out.

The liability issue is covered under the Tribe's insurance.

**Motion made by Eugene Caldwell to recommend to the Legislature to approve the Menominee Tribal Police Department Tribal Police Vehicle Policy with the recommended format changes. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 1 abstention (Waukau), and 3 absent (L. Miller, Wayka, and Nelson).**

14. Amendment to Ordinance #97-13 – All Terrain Vehicle Regulations:  
Discussion/Recommendations

Walter Cox gave an update to the Committee that the sub-committee will need to meet again before a draft can be brought forward.

**Motion made by Walter Cox to table this item until the next meeting. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 3 absent (L. Miller, Wayka and Nelson).**

15. Extradition Ordinance: Discussion/Recommendations

The Legal Department was not present for further discussion.

**Motion made by Eugene Caldwell to table this item until the next meeting. Second was by Walter Cox. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions, and 3 absent (L. Miller, Wayka, and Nelson).**

16. Jurisdictional Issue: State Charges on Menominee Tribal Member

An enrolled tribal member (who is a minor) committed an offense on the Reservation (Go Around Road) to another enrolled tribal member (who is a minor) and this case was referred to Shawano County and now the Shawano County District Attorney is prosecuting this case. William Kussel is working on this case and unfortunately, the time limits will have expired.

Trespassing is another issue that needs to be addressed by this Committee. Non-Indians were traveling across tribal property and this needs to be clarified. The rights-of-ways and what constitutes a rights-of-way were discussed and the Committee will be requesting the Legal Department to issue a legal opinion on the Rights-Of-Way.

**Motion made by Walter Cox to recommend to the Legislature to request that the Legal Department issue a memorandum in regards to the ownership within the rights-of-ways and the usage of the rights-of-ways. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 5 for, 0 opposed, 0 abstentions and 3 absent (Miller, Wayka and Nelson).**

17. Alternative Jail – Survival Camp

Supervision, stimulus money, grant dollars, correctional officers would need to be trained. This is the talking stage process and the committee will be updated next month.

The Tribe needs to look at alternatives due to the overcrowding in the jails.

18. Draft Ordinance 09 - \_\_\_\_ : Solicitation

The Legal Department has not presented anything to the Committee at this time. The Committee will review this topic at next month's meeting.

**Motion made by Toni Caldwell to table this item until the next meeting. Second was by Eugene Caldwell. All those in favor of the motion signify by saying aye. Motion carried: 4 for, 0 opposed, 0 abstentions, and 3 absent (Miller, Wayka, and Nelson).**

19. Amendment to Gang Ordinance # 96-09 – Discussion/Recommendations

We need to incorporate the Witness, Tampering or remove all the ordinances and state that the person will be prosecuted by all ordinances applicable. Toni Caldwell currently has a case that she is prosecuting and will keep the committee updated.

The Committee will review this item at next month's meeting.

20. Monthly Narratives

**Motion made by Eugene Caldwell to accept all the reports that have been submitted. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 7 for, 0 opposed, 0 abstentions, and 2 absent (Caldwell and Miller).**

21. Other Business

Environmental Services also is requesting a permit for Herbicide treatment of Eurasian Milfoil on Moshawquit Lake. The Department would like to bring these up together so that both projects are done next month.

**Motion made by Walter Cox to recommend to the Legislature to approve the Permit for Herbicide Treatment of Eurasian Milfoil on Moshawquit Lake. Second was by Robert Summers. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 3 absent (L. Miller, Wayka and Nelson).**

22. Adjournment

**Motion made by Eugene Caldwell to adjourn the meeting. Second was by Jonathan Pyatskowit. All those in favor of the motion signify by saying aye. Motion carried: 6 for, 0 opposed, 0 abstentions, and 3 absent (Miller, Wayka, and Nelson).**

Meeting adjourned at 6:35 p.m.

Respectfully submitted by,

Linda Peters, recorder  
Chairman's Office